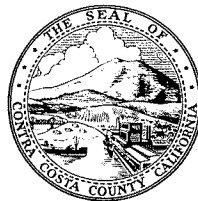


TO: BOARD OF SUPERVISORS  
FROM: Dennis M. Barry, AICP  
Community Development Director  
DATE: December 14, 2004



Contra  
Costa  
County

SUBJECT: WEST CONTRA COSTA SANITARY LANDFILL BULK MATERIALS PROCESSING  
CENTER - LAND USE PERMIT LP022026, AMENDING LUP 2054-92

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

**RECOMMENDATIONS**

1. CONSIDER & REAFFIRM the Board's July 13, 2004, certification (Exhibit B) of the West Contra Costa Sanitary Landfill (WCCSL) Bulk Materials Processing Center's Final Environmental Impact Report as being adequate and having been prepared in conformance with the California Environmental Quality Act (CEQA), and reflecting the independent judgment of the County.
2. ACCEPT the staff report to the County Planning Commission dated November 30, 2004 (Exhibit G).
3. ACCEPT Resolution No. 31-2004 (Exhibit F), dated November 30, 2004, from the County Planning Commission documenting the Commission's findings and its conduct of the public hearing process and transmitting its recommendations on Amended Land Use Permit Conditions of Approval.
4. ADOPT the County Planning Commission's findings on Land Use Permit LP022026, amending LUP 2054-92, contained in Resolution 31-2004 (Exhibit F), dated November 30, 2004.
5. ADOPT the WCCSL Bulk Materials Processing Center's Environmental Impact Report Findings (Exhibit D), dated December 14, 2004, as it pertains to Land Use Permit LP022026, as the findings for the purposes of compliance with CEQA.
6. APPROVE amended Land Use Permit Conditions of Approval dated November 30, 2004 (Exhibit A), as recommended by the County Planning Commission.
7. APPROVE the Mitigation Monitoring Program for the WCCSL Bulk Materials Processing Center (Exhibit E).

CONTINUED ON ATTACHMENT: ☒ YES

SIGNATURE

*Dennis M. Barry*

☐ RECOMMENDATION OF COUNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

☐ APPROVE

☐ OTHER

SIGNATURE(S):

ACTION OF BOARD ON

APPROVED AS RECOMMENDED ☐ OTHER ☐

**VOTE OF SUPERVISORS**

☐ UNANIMOUS (ABSENT ☐

AYES: ☐ NOES: ☐

ABSENT: ☐ ABSTAIN: ☐

I HEREBY CERTIFY THAT THIS IS A TRUE  
AND CORRECT COPY OF AN ACTION TAKEN  
AND ENTERED ON THE MINUTES OF THE BOARD  
OF SUPERVISORS ON THE DATE SHOWN.

Contact: Deidra Dingman (925/335-1224)  
cc: Community Development Department (CDD)  
County Counsel's Office – Lillian Fujii  
County Environmental Health – Lori Braunesriether  
West Contra Costa Sanitary Landfill, Inc. (via CDD)

ATTESTED

JOHN SWEETEN, CLERK OF THE  
BOARD OF SUPERVISORS AND  
COUNTY ADMINISTRATOR

BY \_\_\_\_\_, DEPUTY

## **FISCAL IMPACT**

There is no impact to the General Fund. All staff and consultant costs associated with this project are paid by the Applicant.

A condition of approval for the proposed Project (see Condition 6.16 in Exhibit A) requires the Applicant to collect a mitigation fee on all solid waste and processible materials received at the facility (all BMPC operations including the WRC except those materials which are disposed of in the WCCSL). The amount of the Mitigation Fee for all solid waste transferred to other Republic landfills shall be the same as the Solid Waste Mitigation Fee currently collected at the Central IRRF of \$2.76/ton, as adjusted pursuant to the Consumer Price Index ("CPI"), for the San Francisco-Oakland-San Jose Area, All Urban Consumers index. The amount of the Mitigation Fee for all other materials processed at the BMPC (except those materials which are disposed of in the WCCSL) shall be known as "the Processibles Mitigation Fee" and shall be \$0.75 per ton (as adjusted annually pursuant to the CPI described above) if the rate charged by Republic (applicant) and/or its Contractor(s) is more than \$10.00 per ton (as adjusted annually pursuant to the CPI described above) or 7% of the gross revenue received by Republic (applicant) and/or its BMPC Contractor(s) if the rate charged is less than or equal to \$10.00 per ton (as adjusted annually pursuant to the CPI described above).

In July 2004, the Richmond City Council and the Board of Supervisors of Contra Costa County approved a "Memorandum of Understanding By and Between the City of Richmond and the County of Contra Costa Regarding Solid Waste Transfer Facility Host Community Mitigation Fees", which provides for the joint imposition of the Mitigation Fee irrespective of the location of the WRC and other BMPC operations, and provides for the joint administration of the mitigation funds for the benefit of the host community as identified in the DEIR. Mitigation funds shall be used, as described in the DEIR, for the benefit of the host community. The Mitigation Fee monies collected by the applicant will be paid to the County, held in a dedicated separate account, and jointly administered by the City and County for the benefit of the incorporated and unincorporated North Richmond area.

The amount of projected Mitigation Fee revenue is unknown at this time.

## **BACKGROUND/REASONS FOR RECOMMENDATIONS**

### ***Proposed Project***

West Contra Costa Sanitary Landfill ("Applicant"), West County Landfill, Inc. ("Owner"): The Applicant filed a land use permit application (LP 022026) requesting an amendment to its existing land use permit, LUP 2054-92, for its Bulk Materials Processing Center (BMPC).

LUP 2054-92, approved by the County Board of Supervisors in July 1993, allowed the construction and operation of the BMPC consisting primarily of asphalt/concrete recycling operation and a wood recovery operation on the unincorporated portion of the landfill site.

LUP 2054-92 was first amended by LUP 2043-94, approved by the County Board of Supervisors in May 1995, allowed the development of a Soil Remediation Facility onsite to treat soils contaminated with hydrocarbons. This operation began in 1996 and has since been terminated by the applicant; the Soil Remediation Facility building was demolished in 2004. All conditions related to this Soil Remediation Facility have been removed in the proposed amended Conditions of Approval attached as Exhibit A.

The proposed project (LP022026) which is the second amendment to LUP 2054-92, would allow the following on the unincorporated portion of the landfill site:

- Increase the amount and types of compostables and wood waste processed.
- Increase the amount of asphalt and concrete waste processed.
- Construction of a Public Access Trail along the northern shoreline portion of the WCCSL site and the eastern border along San Pablo Creek.

## **BACKGROUND/REASONS FOR RECOMMENDATIONS (cont.)**

On October 21, 2004, the City of Richmond approved a conditional use permit for the portions of the proposed project that would occur within the incorporated areas of the WCCSL site; those aspects approved by the city are summarized below:

- Increase the amount and types of compostables and wood waste processed.
- Increase the amount of asphalt and concrete waste processed.
- Construction of a Public Access Trail along the western portion of the WCCSL site and the levee on the south side of the WCCSL site.
- Establish a new spreading/drying operation for wastewater sludge and dredged materials.
- Establish a new soil reclamation/processing operation to reclaim non-contaminated soils, and to combine high moisture content mud and sludges and with powdery materials to create a product suitable for Alternative Daily Cover (ADC), final cover, final cap, or off-site use.
- Establish a new solid waste transfer station (referred to in the EIR as the Waste Recycling Center or WRC) at the WCCSL to recycle, sort, and transfer for disposal waste from self-haulers, industrial debris boxes, the west Contra Costa communities and commercial customers that would not be processed at the existing transfer station, the West County Integrated Resource Recovery Facility/Central Processing Facility ("IRRF") operated by West County Resource Recovery, Inc. at 101 Pittsburg Avenue in North Richmond, under an agreement with the West Contra Costa Integrated Waste Management Authority ("the Authority").

### **IRRF LAND USE PERMIT (2053-92)**

Approval of LP 022026 contains no actions pertaining directly to the West County Integrated Resource Recovery Facility/Central Processing Facility (IRRF), LUP 2053-92, which was approved by the County Board of Supervisors at the same time as the original BMPC Land Use Permit (2054-92) in July 1993. The IRRF is located at 101 Pittsburg Avenue in North Richmond. LUP 2053-92 allows the site to be used as a transfer station in addition to its existing use as a recycling and household hazardous waste facility.

The Applicant and the West Contra Cost Integrated Waste Management Authority ("the Authority") are still in negotiations regarding the use of the IRRF. The Applicant is aware of the fact that if the WRC is permitted at the WCCSL site (in the City of Richmond), both the IRRF and the WRC would have the capacity and permits authorizing the transfer of solid waste for disposal. If the WRC is built and the Authority decided to direct the waste they control to the WRC, there would not be a need to have two fully permitted solid waste transfer facilities in West County. The Applicant has agreed to the following supplemental provision:

"The Applicant agrees that in the event the WRC is permitted and built to provide transfer capacity of at least 1,000 tons per day, the Applicant will agree to amend its permits to relinquish the authority provided by the County Land Use Permit (LUP) No. 2053-92 for the IRRF and the IRRF Solid Waste Facilities Permit to transfer solid waste disposal at the IRRF, unless the West Contra Costa Integrated Waste Management Authority directs the Applicant to transfer JPA solid waste for disposal utilizing the IRRF facility. Nothing herein shall preclude nor be construed to preclude or otherwise limit the continued use of the IRRF as a recycling center for the management, handling and transfer of recyclable materials."

Upon conclusion of the negotiations between the Applicant and Authority and final permitting of the WRC by all regulatory agencies, CDD staff will schedule hearings to amend the West County IRRF/CPF LUP 2053-92 accordingly.

## **BACKGROUND/REASONS FOR RECOMMENDATIONS (cont.)**

### ***Site & Vicinity Description***

West Contra Costa Sanitary Landfill, Inc. (WCCSL), operates a Class II sanitary landfill located at the foot of Parr Boulevard located partially within North Richmond (unincorporated area) and the City of Richmond, California (Assessor Parcel Numbers: 408-140-013, 408-140-010, 408-140-009, 408-140-008).

The figure attached as Exhibit C shows existing land use near the WCCSL. The northern portion of the WCCSL is within the unincorporated Contra Costa County area, while the remainder of the site is within Richmond's city limits. The WCCSL contains two waste management units—an inactive Class I waste disposal area (HWMF) that has been closed pursuant to Federal and State regulations, and the active Class II municipal solid waste landfill that is expected to close in January 2006. Existing BMPC recycling activities include a green waste/wood waste processing area, a composting area, and a concrete/asphalt processing area.

Area A of the WCCSL contains the Class II landfill gas (LFG) power plant, a plant for treatment of leachate (water/liquids that has come in contact with waste within the landfill itself) from the HWMF, and an area formerly used for stockpiling clay soils. Area B is an enclosed runoff control pond located directly south of the Class II landfill that receives surface drainage from the WCCSL. Area C, west of the landfill, is a lagoon open to San Pablo Bay.

A variety of commercial and industrial land uses exist near the WCCSL. The West County Wastewater District (WCWD) Wastewater Treatment Plant occupies the greatest land area. Treated leachate from the HWMF and untreated leachate from the Class II landfill are piped to the WCWD facility for treatment and/or disposal. The WCWD facility would also be the source of biosolids for the Applicant's proposed Soil Reclamation and Biosolids/Dredged Material Spreading activities.

The Richmond Sanitary Service Corporation Yard is to the east, and San Pablo Creek comes within 30 feet of the WCCSL to the east and southeast. The major industries in the area include horticultural growers (Color Spot), a recycling and household hazardous waste facility (Central IRRF), and the Chevron Refinery. The Richmond Parkway is a major roadway in the area that extends from Interstate 580 near the east approach to the Richmond-San Rafael Bridge northeasterly to Interstate 80 near Hilltop Drive. Existing roads and parking areas will be used during construction and operation of the facility.

The Richmond Parkway is the major approach roadway to the WCCSL. Portions of the Parkway have adjoining residential land uses. To the south of Parr Boulevard, several areas of older residential uses exist with the closest to the WCCSL (about 1 mile away) being a two-story apartment building on the north side of the Gertrude Avenue/Richmond Parkway intersection. Appropriate sections of the EIR considered these residential land uses relative to compatibility with proposed Project operations and/or projected increases in Project-related traffic.

The proposed project is consistent with the Open Space (OS) and Class I Waste Disposal General Plan designations and the North Richmond P-1 zoning district. The North Richmond Shoreline Specific Plan allows for ongoing resource recovery activities at the WCCSL site for at least a 30-year postclosure period.

In conclusion, no change to the existing overall use of the landfill, as a waste management and resource recovery site, is proposed. This project involves the expansion of bulk materials processing operations within the footprint of the project site. The proposed use is appropriate for the area because it is compatible with surrounding landfill uses. The nearest residence is approximately 1 mile southeast of the site.

## **BACKGROUND/REASONS FOR RECOMMENDATIONS (cont.)**

### ***CEQA Status***

For purposes of compliance with the provisions of the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared for this project and subsequently certified by the County Board of Supervisors on July 13, 2004. The Preferred Environmental Alternative (PEA) identified in the EIR was found to be the best alternative to meet the Project's objectives and goals, while protecting the environment. The PEA, which includes the Project proposed by the Applicant, elimination of Phase 4 of the Trail along the outer levee east of Area C, the selection of Area A for the proposed WRC transfer station, and the use of aerated static pile as the primary composting process, provides the best balance between satisfaction of the project objectives and mitigation of potential significant impacts to the extent feasible. All significant impacts associated with the proposed Project would be reduced to less-than-significant levels with the PEA, with the exception of a significant air quality impact from PM<sub>10</sub> emissions. Although the PEA would have lower PM<sub>10</sub> emissions than the proposed Project (because of the reliance on the aerated static pile composting process in lieu of windrow composting), a significant unavoidable PM<sub>10</sub> impact would remain.

### **COORDINATION WITH BAAQMD REGARDING PM<sub>10</sub> EMISSIONS**

Prior to obtaining a Permit to Operate the facility as proposed in the amended permit, the Applicant must file a permit application with the Bay Area Air Quality Management District (BAAQMD). During the permit review process with the BAAQMD, the BAAQMD considers the Final EIR and the mitigation measures identified in the EIR to mitigate PM<sub>10</sub> emissions, and develops permit conditions to implement those mitigation measures to reduce PM<sub>10</sub> emissions to the maximum extent feasible. In addition, the BAAQMD considers other potential emissions control measures to address PM<sub>10</sub> emissions, that if feasibly implemented would further reduce project PM<sub>10</sub> emissions. A project of this size would require Best Available Control Technology (BACT) for PM<sub>10</sub> emissions. BACT for controlling PM emissions from a processing emission point generally involves either enclosing process operations and venting collected emissions to abatement devices or using water sprays or dust suppressants on the process. BACT may require paving of main roads, staging, and parking areas, watering and/or sweeping of paved roads, using dust suppressants and watering on unpaved roads to control emissions generated by on-site vehicle traffic. Other measures may be implemented depending on the nature of the process and the extent of the associated PM<sub>10</sub> emissions from the facility. In addition, Best Available Control for Toxics (TBACT) may be required for any diesel fired stationary IC engines. As the lead agency under CEQA, the County (through CDD staff) will closely coordinate with the BAAQMD staff reviewing the Applicant's permit application and staff will monitor the permit conditions imposed by the BAAQMD. The BAAQMD will ultimately issue a Permit to Operate, which will impose conditions to mitigate PM<sub>10</sub> as identified in the EIR. Currently, the Applicant has a Title V Landfill Emission Permit Revision in progress with the BAAQMD with an expected approval date in early 2005. The Applicant's consultant involved in the BAAQMD permitting liaison activities is also working on the application for the concrete, composting, soil reclamation and other resource recovery operations that will entail mitigations for the PM<sub>10</sub> emissions. After submittal of the application the permitting issuance for the resource recovery operations is anticipated to occur mid- to late-summer 2005. The Applicant does not anticipate that market conditions for concrete and compost products will necessitate an increase in the processing and production amounts for over a year.

Pursuant to the requirements of §15091 of the CEQA Guidelines, staff has prepared Findings, attached as Exhibit D, for each potentially significant impact, accompanied by a brief explanation of the rationale for each finding and supported by substantial evidence in the record. Because the proposed project will result in the occurrence of a significant PM<sub>10</sub> impact that could not be reduced to a less-than-significant level, a Statement of Overriding Considerations is included in Exhibit D, identifying the specific reasons to support approval of the proposed project based on the Final EIR and/or other information in the record (consistent with the requirements of §15093 of the CEQA Guidelines).

**BACKGROUND/REASONS FOR RECOMMENDATIONS (cont.)**

Pursuant to the requirements of §15097 of the CEQA Guidelines, staff has prepared a Mitigation Monitoring Program, attached as Exhibit E, to ensure that all required mitigation measures are implemented and completed in a timely manner as part of Project construction and operation and maintained in a satisfactory manner during Project implementation. This program identifies the individual mitigation measures and the time frame for implementation, and assigns a party responsible to implement, monitor, and confirm the implementation of each mitigation measure.

LIST OF EXHIBITS

EXHIBIT A: RECOMMENDED CONDITIONS OF APPROVAL – LP 022026

EXHIBIT B: BOARD ORDER – EIR CERTIFICATION

EXHIBIT C: MAP OF EXISTING LAND USES IN VICINITY

EXHIBIT D: CEQA FINDINGS & STATEMENT OF OVERRIDING CONSIDERATIONS

EXHIBIT E: MITIGATION MONITORING PROGRAM

EXHIBIT F: RESOLUTION 31-2004

EXHIBIT G: STAFF REPORT